

**SUBJECT:** Deviations from progressive sanctions for juvenile offenders

**COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment

**VOTE:** 6 ayes — Dutton, Goodman, Baxter, Hodge, J. Moreno, Reyna  
0 nays  
3 absent — Castro, Dunnam, Morrison

**WITNESSES:** For — None  
Against — None  
On — Robert Dawson

**BACKGROUND:** Family Code, Chapter 59 lists guidelines for progressive sanctions that may be used to determine the punishment of a juvenile offender, depending on the severity of the offense and the juvenile's criminal history. The guidelines are intended to ensure that juvenile offenders face uniform and consistent consequences and punishment while permitting flexibility in decisions.

Juvenile boards and court judges have discretion in using the guidelines, but they must state in writing their reasons for deviating from the guidelines in sentencing decisions, regardless of whether the juvenile board has adopted a progressive sanctions program. These written statements are submitted to the Criminal Justice Policy Council (CJPC), which must analyze trends related to compliance with the guidelines as well as the impact of the guidelines and must report its findings to the governor and the Legislature before the beginning of each legislative session.

During the interim between the 77th and 78th Legislatures, an appointed 30-member committee studied the effectiveness of the progressive sanctions guidelines. The committee's recommendations are included in the House Juvenile Justice and Family Issues Committee's interim report.

**DIGEST:** HB 888 would replace the term “guidelines” with the term “model” in reference to progressive sanctions and would specify that the departure of a sentencing disposition from this model “is not necessarily undesirable and in some cases is highly desirable.”

The bill would eliminate the requirement that juvenile courts or probation departments provide written statements explaining deviations from the progressive sanctions guidelines. The CJPC no longer would have to analyze this information and report on it to the governor and Legislature. The bill also would eliminate suggested probation limitations of 12 months at sanction level three and of any period at sanction levels four and five.

The bill would take effect September 1, 2003, and would apply only to conduct and appeals occurring on or after that date.

**SUPPORTERS SAY:** HB 888 would bring Family Code, Chapter 59 in line with current practices in the juvenile justice system. Since the progressive sanctions guidelines were adopted in 1995 as part of a broad reform of the juvenile justice system, the state has invested substantial resources in juvenile justice reforms, giving judges more options for sentencing juveniles. While the need for voluntary statewide sentencing standards remains, HB 888 would make it clear to judges that individual circumstances can and often should justify deviating from these standards. By stating that a departure of a disposition from the model is desirable, the bill would encourage juvenile boards and judges to determine sentences on the basis of particular circumstances rather than adhering to a rigid set of guidelines.

HB 888 would eliminate outdated paper reporting requirements that no longer are necessary because this information is captured in computerized reports to the CJPC. Eliminating the suggested probation limits at levels three, four, and five would help reduce the number of deviation reports for sentences outside of these limited periods.

**OPPONENTS SAY:** HB 888 is unnecessary and would create confusion by making minor changes to sentencing guidelines. Changing terms and definitions in Chapter 59 would be unlikely to affect the actual sentencing practices of juvenile boards and

judges. The state needs to maintain some system of analyzing deviations from the guidelines and informing the governor and Legislature.